

REMARKS

Upon entry of the present Amendment the claims under consideration are 1, 3-8, and 11-25. Independent Claims 16 and 21, and their dependant Claims 17-20 and 24-25, are amended hereby to place those Claims in dependent form from Claim 1. Claims 7 and 8 have been amended for clarity and proper antecedent basis. Claims 2, 9 and 10 are withdrawn as being drawn to a non-elected species. No new matter is presented hereby. The Detailed Action of 06 January 2004 will now be addressed with reference to the headings and any paragraph numbers therein.

Election/Restrictions

Responsive to the restriction requirement of paragraph 1 of the Detailed Action, Applicants hereby elect with traverse the claims of Group I. Applicants have further amended the Independent Claims 16 and 21 and their dependant Claims to place them within the subject matter of Group I thereby eliminating the process of making/product made basis for restriction stated in the Detailed Action. It is therefore respectfully requested that all Claims not withdrawn be examined. Election with traverse is being done to satisfy the formal requirements of the Detailed Action although such election is believed to be superfluous in view of the present amendment.

Applicants respectfully traverse the restriction requirement because it is believed that the stated “materially different” process of using a “slit first material” is not precluded by the claimed subject matter. A “slit first material” does not inherently imply the absence of necking processes.

Species Election

Responsive to the Detailed Action’s designation of species requirements, at page 2-3 thereof, Applicants elect with traverse the species of Figs. 2-4 with the “nontreated elastic material”. Because the term “nontreated elastic material” does not appear in the specification, Applicants presume that the term is negatively defined by the Detailed Action to refer to an elastic material requiring no further processing to render it elastic (as would be the case with a “precursor elastic”).

Claims 1, 3-8, and 11-25 are readable on the elected species. Applicants note that the Detailed Action did not list Claims 5, 7 and 8 as generic. However, it is believed that the Detailed Action may have confused the language “precursor garment” in these claims with the “precursor elastic” which is cited as a separate species. Claims 7 and 8, as noted above, have been amended hereby for clarity.

Should the Examiner have any questions or concerns after consideration of the present paper, the Examiner is invited to call the undersigned attorney for further discussion.

Favorable consideration is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Roland W. Norris". The signature is fluid and cursive, with the first name "Roland" being more prominent.

Roland W. Norris
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